

Single Family Design Guidelines Update Neighborhood Preservation Ordinance Update

Steering Committee

Meeting #11 Notes October 11, 2004

Steering Committee members: Chair Dianne Channing, Vice Chair Brian Barnwell, Bruce Bartlett, Joe Guzzardi, Vadim Hsu, Charmaine Jacobs, Bill Mahan, Helene Schneider, Richard Six.

Staff: Bettie Weiss (City Planner), Jaime Limón (Supervising Planner), Heather Baker (Project Planner), Jason Smart (Intern).

I. Welcome and Introductions

II. Public Comment for Items Not on the Agenda

None.

III. Administrative Items

IV. Continued Discussion: Floor to Lot Area Ratio (FAR) Calculation Considerations Issue Paper

The Steering Committee continued discussion of Issue Paper D, Part II: Calculation Methods, then received public comment from the following: Jim Bell, Jim Kahan, Sally Sphar and Christine Pierron. Public comment topics included:

- Visibility of courtyards in hillside areas.
- Floor area calculations should not incorporate arbitrary percentages.
- Large courtyards can later be enclosed.
- Certain architectural styles, such as Victorian, can be discouraged if measuring the ridge height rather than the plate height when doubling floor area to account for excessive ceiling heights.
- Visual impacts of excessive plate heights vary depending on relation to the lot and the remainder of the structure.

Consensus:

Definitions were presented, some were revised through Steering Committee comment, the end set of definitions is as follows:

- ♦ **Attic:** The area located above the ceiling of the top story & below the roof & not usable as habitable or commercial space.
- ♦ **Court:** A defined uncovered space, bounded by walls over three and a half feet in height for more than 75% of the perimeter of the space¹.

¹ This item was discussed, but the conclusion was not clear, will be discussed again as part of the Draft Updated Single Family Design Guidelines review and/or Hillside Issue paper.

- ♦ **Court, Interior:** A court, outside of required yard setbacks, bounded on three or more sides by the walls of a building or buildings.
- ♦ **Court, Exterior:** A court outside of required yard setbacks, bounded on less than three sides by the exterior walls of a building.
- ♦ **Covered:** Sheltered by a structure above such that less than 50% of the horizontal surface of the structure is open to permit the transmission of light & air.
- ♦ **Enclosed:** A space fully surrounded by solid exterior walls, pierced only by windows & customary entrance & exit doors.
- ♦ **Lot Area, Net:** The total area of a parcel, excluding recorded public right-of-way easements.

Net Floor Area: The area within the surrounding exterior walls of a building, *including:*

- ♦ each floor a stairway & elevator shaft(s) occupies.
- ♦ areas of attics, cellars & basements that exceed a grade-to-ceiling height of five (5) feet

excluding:

- ♦ area occupied by exterior walls
- ♦ area or structures used exclusively for parking
- ♦ courts
- ♦ decks, balconies, patios & porches
- ♦ attics, cellars & basements that do not exceed a grade-to-ceiling height of five (5) feet

Gross Floor Area: The area inside & including exterior walls of a building, *including:*

- ♦ area occupied by exterior walls
- ♦ interior courts

♦ exterior courts in the front yard*²

- ♦ upper-story, covered: loggias, balconies, decks & patios
- ♦ each floor a stairway & elevator shaft(s) occupies
- ♦ areas of attics, cellars & basements that exceed a grade-to-ceiling height of five (5) feet

excluding:

- ♦ 400 square feet of area used exclusively for covered parking
- ♦ uncovered, unenclosed: balconies & decks
- ♦ unenclosed first floor covered or uncovered decks, patios or porches,
- ♦ areas of attics, cellars & basements that do not exceed a grade-to-ceiling height of five (5) feet.

Calculations for the following items to be included in gross floor area square footage, were discussed, especially in terms of how the items contribute to the apparent volume of the structures on a lot are as follows. Conclusions as to how to count various building items for the purpose of FAR calculations follow.

Covered Parking: Do not include the first 400 square feet of covered parking, but include any covered parking beyond 400 square feet.

² This item was discussed, but the conclusion was not clear, will be discussed again as part of the Draft Updated Single Family Design Guidelines review and Hillside Issue paper.

Accessory Structures: Include all accessory structures over five feet in height, covered, except for structures that do not require a building permit, such as some types of sheds less than 120 square feet (see attached Building & Safety Division handout).

Attics: Include as floor area only portions of attics where there is a floor and floor to ceiling height exceeds 5 feet.

Basements and Cellars: Include the floor area for only the portions of basements and cellars where the height above grade exceeds 5 feet.

Loggias, Balconies, Decks, Patios, and Porches: **Exclude first-story** patios and porches, whether covered or uncovered. **Include upper-story, covered**: loggias, balconies, decks, and patios.

Courtyards: Include interior courtyards except the first 250 square feet of the courtyard. Include only exterior courtyards in the front yard where one of the walls of the courtyard is parallel to the street and the majority of that wall is over three and a half feet (42 inches) tall.

Stairs: Support Option #2: Count the floor area of each run of stairs (or elevator shaft) for each floor the stairs (or elevator shaft) occupy.

Volume Considerations: Double floor area where ceiling height exceeds 15 feet.

V. **Zoning Modifications Review Issue Paper**

Staff presentation was followed by Steering Committee discussion of Issue Paper E: Zoning Modifications Review. The Steering Committee received public comment from the following: Mina Goena-Welch, Jim Kahan and Christine Pierron. Public comment topics included:

- Whether the City grants “too many” modifications.
- Modification acceptability perceptions.
- Need for modifications on constrained lots.

The Steering Committee discussed the following points:

- Differences between state standards and other jurisdictions regarding variances.
- Design review boards comment on modification projects based on aesthetics, not on compliance with municipal code findings.
- It may be desirable to adopt the less restrictive pre-1975 setback requirements and then not allow modifications beyond that.
- New residents can be unaware that neighboring residences may not adhere to zoning regulations by receiving a modification without expanded noticing.
- Tougher findings are needed; the modification process appears to have findings that are “too easy” compared to the variance process.
- Modifications should perhaps be limited to legal non-conforming lots.
- The modification process needs to remain fair and open to public scrutiny.
- Most modifications are not appealed.
- Some residents negatively perceive all modifications regardless of the modification’s justification because of a few examples of “bad modifications”. There should be a focus on preventing modifications that are widely perceived as unacceptable.

- Perhaps modification applicants should be required to meet all of the findings listed in the Zoning Ordinance, rather than just one, for modification approval.
- Modifications that result due to zoning changes are different from other modifications. Perhaps “legal non-conforming modifications” should be named differently. Although some of the appealed modifications may have been appropriate modifications, others may not have been appropriate, perhaps this will provide information to help guide how the modification rules and procedures could be improved.

The Steering Committee agreed with the Staff recommendations to:

1. Keep modification as an NPO trigger for Design Review.
2. Consider making administrative review criteria available as a public Zoning Counter hand-out after Planning Commission reviews the criteria.
3. Forward discussion summary to Planning Commission for possible consideration at a hearing in coming months.

The Steering Committee requested the following:

- Compare conforming modifications to legally non-conforming modifications.
- Quantify and analyze modifications that have been appealed or denied to potentially define inappropriate modifications.

VI. Review Upcoming Schedule

VII. Adjourn